

EXHIBIT A

Emails between the CFTC and J. Gutke
dated March 22 and 23, 2021

From: [Karst, Danielle](#)
To: [John Gutke](#)
Cc: [Hayeck, Paul G.](#); [Mulreany, Timothy J.](#); [Malas, George](#)
Subject: RE: CFTC v. Saffron (2:19-cv-01697-JAD-DJA) -- Order on Motion for Default Judgment
Date: Thursday, March 25, 2021 2:09:00 PM
Attachments: [image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)

Counsel:

We attempted to meet-and-confer with you earlier today regarding your obligations to produce Defendants' business records as ordered by the Court on March 19, 2021. We waited for you on our scheduled conference call earlier today from 11:00-11:35 am EST.

As we have previously indicated, we will file a notice of non-compliance with the Court.

Best regards,
Danielle

From: Karst, Danielle
Sent: Wednesday, March 24, 2021 2:35 PM
To: 'John Gutke' <jgutke@gutkelaw.com>
Cc: Hayeck, Paul G. <phayeck@CFTC.gov>; Mulreany, Timothy J. <tmulreany@CFTC.gov>; Malas, George <GMalas@CFTC.gov>
Subject: Re: CFTC v. Saffron (2:19-cv-01697-JAD-DJA) -- Order on Motion for Default Judgment

Counsel:

Thanks for your email. I will send dial-in information for 11:00 am EDT (8 am PDT) tomorrow and look forward to speaking with you then.

Thanks,
Danielle

From: John Gutke <jgutke@gutkelaw.com>
Sent: Wednesday, March 24, 2021 2:22 PM
To: Karst, Danielle <DKarst@CFTC.gov>
Cc: Hayeck, Paul G. <phayeck@CFTC.gov>; Malas, George <GMalas@CFTC.gov>
Subject: [EXTERNAL] Re: CFTC v. Saffron (2:19-cv-01697-JAD-DJA) -- Order on Motion for Default Judgment

Danielle,

Thank you for reaching out. I appreciate the offer to confer on this issue and would be happy to discuss the matter with you, but I am not available for a call right now and will not be available until this afternoon -- by approximately 1:30 PST I should be free and could make that time work if possible. Alternatively, I am available any time tomorrow starting at 8 a.m. PST until 6 p.m. PST (other than between 9:30-10:30 a.m. PST). Please advise.

Thanks,

John H. Gutke
GUTKE LAW GROUP

On Wed, Mar 24, 2021 at 9:11 AM Karst, Danielle <DKarst@cftc.gov> wrote:

Counsel:

We are following up on our emails to you regarding the Court's March 19, 2021 on-the-record order for you to produce documents by no later than March 23, 2021 at 3 pm. Given that you did not produce any records yesterday as ordered by the Court, the CFTC plans to file a Notice of Non-Compliance.

Although there is no meet-and-confer requirement under the Local Rules prior to filing such a notice or motion, we are nevertheless available to meet and confer with you today prior to our filing. In that effort, please let us know if you would like to speak with us today at 2:30 pm EDT (11:30 am PDT), and I will circulate a conference dial-in.

Many thanks in advance for your attention to this matter.

Best regards,

Danielle

From: Mulreany, Timothy J.

Sent: Tuesday, March 23, 2021 5:57 PM

To: John Gutke <jgutke@gutkelaw.com>; Karst, Danielle <DKarst@CFTC.gov>

Cc: Hayeck, Paul G. <phayeck@CFTC.gov>; Malas, George <GMalas@CFTC.gov>

Subject: RE: [EXTERNAL] Re: CFTC v. Saffron (2:19-cv-01697-JAD-DJA) -- Order on Motion for Default Judgment

Counsel,

Thank you for your email.

First, if you or your family are being threatened by anyone, you should immediately contact the appropriate state and/or local law enforcement and make a report to them concerning any unlawful threats. The CFTC is not a criminal law enforcement agency and cannot offer you any assistance in this regard.

In regard to the matter of your obligation to produce records today at 3:00 p.m. PST, you are well aware that Judge Dorsey ordered you personally to produce records. Indeed, you acknowledged the court's order, on the record. If you choose to ignore the clear order of a federal judge, you should be willing to accept all consequences that flow from that decision. In response to your question as to whether the CFTC is willing to litigate this issue, the answer is yes.

Thank you for your immediate attention to this matter.



Timothy J. Mulreany
Chief Trial Attorney
HQ/Division of Enforcement
Commodity Futures Trading Commission
202-418-5306
tmulreany@cftc.gov



From: John Gutke <jgutke@gutkelaw.com>

Sent: Tuesday, March 23, 2021 5:35 PM

To: Karst, Danielle <DKarst@CFTC.gov>

Cc: Mulreany, Timothy J. <tmulreany@CFTC.gov>

Subject: [EXTERNAL] Re: CFTC v. Saffron (2:19-cv-01697-JAD-DJA) -- Order on Motion for Default Judgment

Danielle,

Thank you for the email. As you know, I filed a motion to withdraw as the Defendants' counsel yesterday. If you have had a chance to review the motion, you also know that my firm was terminated by the Defendants after the hearing and we have had to withdraw due to fundamental disagreements with our former clients, including nonpayment for a significant amount of work performed. Given these developments since the hearing, I am not in a position to deliver any documents that belong to Defendants. I have forwarded your email below to Mr. Saffron, and I recommend that the CFTC contact him directly with regard to this topic. You are authorized to contact him directly since I have been terminated and am not authorized to represent the Defendants any further.

If the CFTC is inclined to litigate this issue with respect to me personally, I would appreciate the opportunity to meet and confer with you first to avoid unnecessary filings. Your emails refer to an "order," but thus far all we have are the court's minutes, which states that the judge's actual order will be entered shortly (and while the minutes refer to me by name, this was a recap of the hearing that I attended as Defendants' representative). I will of course review the court's actual order once issued to see if it clarifies anything relating to this issue.

On a separate issue, does the CFTC know an individual named Kenneth Holderman? Apparently, he has held himself out as one of the alleged victims whose claim the CFTC has been pursuing in this lawsuit, and as someone helping the CFTC prosecute its case against Mr. Saffron. He has sent multiple emails and messages in the past containing threats directed toward Mr. Saffron, and today he sent me a particularly disconcerting email in which he threatens me personally by saying he is "coming for" me, is going to cause me to "lose my entire career," and ending his email with: "Fuck you and your children's college tuitions!" I am sure that the CFTC does not condone this type of behavior toward me, and ask that you please inform your witness to stop harassing and threatening me and my family. If the information I have received regarding Mr. Holdermann's status as a witness helping the CFTC on this case is incorrect, please advise so I can take any necessary steps to protect myself from his harassment.

Thank you,

John H. Gutke

GUTKE LAW GROUP

On Tue, Mar 23, 2021 at 7:07 AM Karst, Danielle <DKarst@cftc.gov> wrote:

Mr. Gutke:

As a follow-up to my email from yesterday, this is a reminder that the Court ordered you *personally* to produce the records in your possession to the U.S. Attorney's Office in Las Vegas, Nevada by 3 pm PST today. The Court's order survives your attempt to withdrawal from the litigation.

Please let us know once you have produced the records in compliance with the Court's order.

Thanks,
Danielle

From: Karst, Danielle

Sent: Monday, March 22, 2021 3:16 PM

To: 'John Gutke' <jgutke@gutkelaw.com>

Cc: Mulreany, Timothy J. <tmulreany@CFTC.gov>

Subject: FW: CFTC v. Saffron (2:19-cv-01697-JAD-DJA) -- Order on Motion for Default Judgment
Mr. Gutke:

Pursuant to the Court's March 19, 2021 order for production of Defendants' records, the point of contact for delivery to the U.S. Attorney's Office is as follows:

Angelina (Angel) Villalpando

United States Attorney's Office for the District of Nevada

501 Las Vegas Boulevard South, Suite 1100

Las Vegas, Nevada 89101

AVillalpando@usa.doj.gov

If you plan to produce electronic records, please upload to the FTP site (credentials are attached again for your convenience) and let us know when you have done so.

Thanks,
Danielle

From: cmecf@nvd.uscourts.gov <cmecf@nvd.uscourts.gov>

Sent: Friday, March 19, 2021 4:08 PM

To: cmecfhelpdesk@nvd.uscourts.gov

Subject: [EXTERNAL] Activity in Case 2:19-cv-01697-JAD-DJA Commodity Futures Trading
Commission v. Saffron et al Order on Motion for Default Judgment

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

United States District Court

District of Nevada

Notice of Electronic Filing

The following transaction was entered on 3/19/2021 at 1:07 PM PDT and filed on 3/19/2021

Case Name: Commodity Futures Trading Commission v. Saffron et al

Case Number: [2:19-cv-01697-JAD-DJA](#)

Filer:

Document Number: 107(No document attached)

Docket Text:

MINUTES OF PROCEEDINGS - Motions Hearing via videoconference held on 3/19/2021 before Judge Jennifer A. Dorsey. Crtrm Administrator: *Danielle Cacciabauda*; Pla Counsel: *Danielle Karst, Timothy Mulreany*; Def Counsel: *John Gutke*; Court Reporter: *Amber McClane*; Time of Hearing: *10:35 a.m. - 12:17 p.m.*; Courtroom: *6D*;

The Court makes preliminary remarks and hears representations of counsel. As stated on the record, the Court GRANTS the Motion for Summary Judgment [61]; DENIES the Motion to Strike [95]; and DENIES as moot the Motion for Sanctions [62] and Motion for Order to Show Cause [98]. Mr. Gutke is directed to produce the records as stated to the United States Attorney's Office in Las Vegas, Nevada by 3:00 p.m. on 3/23/2021. The Court will issue a separate written order that memorializes the outcome of this hearing.

(no image attached) (Copies have been distributed pursuant to the NEF - DC)

2:19-cv-01697-JAD-DJA Notice has been electronically mailed to:

John Harold Gutke jgutke@gutkelaw.com, efile@gutkelaw.com

John P. Witucki jwitucki@gutkelaw.com

Timothy James Mulreany tmulreany@cftc.gov

Danielle Edward Karst dkarst@cftc.gov, CGonnella@cftc.gov, GMalas@cftc.gov,
hvantassel@cftc.gov, phayeck@cftc.gov

2:19-cv-01697-JAD-DJA Notice has been delivered by other means to:

John Mertens
Pia Hoyt, LLC
136 E South Temple Ste 1900
Salt Lake City, UT 84111